The Builder.

No. CCV.

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ALTHOUGH two years have elapsed since the Metropolitan Buildings Act came into operation, doubts as to the precise meaning of many of its provisions still exist. In some, the district-surveyors are not agreed even amongst themselves, but act differently in similar cases; and considerable unpleasantness is the unavoidable result. The means given by the Act to resolve these doubts and prevent this diversity of practice, namely, an appeal to the official referees, will of course gradually have that effect; but unless the district-surveyors and the public will look to the awards made by the referees, and conform their opinions and mould their course on similar cases accordingly, irritation will still be kept up, and certainty never be arrived at.

At the Buildings Office it is possible a different opinion may prevail. It may be considered there, that every case ought to be decided on its own merits, and that the surveyor ought not to be guided or influenced by any previous award, however fully it may seem to bear on the case before him. We do not know that this is so: we should suppose otherwise indeed, if it were not for statements made by some of the district surveyors. But if it be so, we must respectfully dissent from it. There will necessarily be cases of difference arising, on which appeal must be made; but these ought to become fewer every day, to which end it is of the greatest consequence that district surveyors should make themselves acquainted with all the awards, and read the Act with these before them.

We are not to be understood as arguing for implicit adoption, without question, of all the decisions arrived at by the referees. They are able and conscientious men, and doubtless give full consideration to every question submitted to them, and decide it according to their best judgment. But all men are fallible, and the referees are men. Still the awards open to sound objection are exceptions,—we are speaking of a general rule.

Amongst the doubts (it ought to be a doubt no longer), is one concerning flues which has been submitted to us several times, in one case a twelvemonth ago, and now as lately as the present week.

The question is stated thus by an operative builder:—

"Sir,—I should feel much obliged if you would give us some information on the following point, namely,—whether an opening can be made in a flue to admit of the insertion or the connection of a wash-house flue?

In fact, whether any coppers are to be used at all, except by those persons who already possess them. For if the making of a distinct chimney for a copper be insisted on, it will in fact, entirely prohibit the setting of coppers. Surely this cannot be the intention of the Buildings Act; as it expressly allows the cutting of flues for the insertion of stove-pipes.

The case in which this question has been particularly raised is this:—I have a contract to set fifty or more coppers in three new streets in the Greenwich district, comprising sixty fourth-rate houses, belonging principally to working men. In most of the houses, an opening has been left for the purpose of inserting the copper-flue; but in some of them the opening has not been left, and in several others has been left on the wrong side for the copper.

The district surveyor's assistant tells me that where the opening has not been left, no copper shall be fixed unless I carry a distinct chimney up through the roof, which as a matter of course, will not and hardly can be done even at a great expense.

I am bound by my contract to fix the coppers on a York stone 2½-inches thick on solid earth, and to do the same in a sound, workmanlike manner. You will greatly oblige me and many others by stating your views on this subject, as it is a most important question to the working classes especially. If insisted on, it will almost prevent the use of an indispensable article to cleanliness, and therefore health.

The houses are not yet finished or inhabited, and the fees have been paid."

In reply to previous inquiries to the same effect, we expressed our decided opinion that nothing in the Act was intended to prevent such a connection being made. The clause supposed to prohibit it, headed "*Cuttings into Chimneys*" (schedule F), says:—

"And as to every chimney-shaft, jamb, breast, or flue, already built, or which shall be hereafter built, in reference to cutting the same, no such erection shall be cut into for any other purpose than the repair thereof, or for the formation of soot doors, or *for letting in, removing, or altering stove pipes* or smoke jacks, except as directed for building an external wall against an old sound party-wall."

And we pointed out that it was simply necessary to make the connection by means of a small piece of pipe, to overcome the objection which, through a verbal omission, might be raised, though only by one who was willing to create a difficulty.

We are glad to be able to confirm this opinion by an award dated the 21st of last month, and which will, we hope, set the question at rest.

In the case of building a new angle chimney in a bath room, on the ground or entrance floor of 35, Hill-street, in the district of St. George, Hanover-square, the flue from which is taken, by a short pipe wholly inclosed with brickwork, into the flue of the kitchen chimney, the district surveyor contended, "that it must have a separate and distinct flue, and that it is contrary to the Act for two fire-places to be connected with the same flue, and that such cutting into the flue, to form the connection, is prohibited by the clause in schedule F, "cuttings into chimneys." The owner's surveyor, on the other hand, contended, that such clause admitted of what had been done, as the cutting away for letting in stove pipes is clearly laid down, and that in no part of the Act is the carrying the smoke from two fire-places into one flue prohibited.

The referees awarded:—"That inasmuch as it is not provided in the said Act that every chimney must have a 'separate and distinct flue,' if the flue in question be properly inclosed with brickwork, at least four inches thick, or if being a smoke-pipe, and not so inclosed, it be placed at the required distance from any timber or other combustible materials, the same will not be contrary to the said Act."

The last circular from the registrar, relative to projections from walls of buildings over public ways,* gives a less objectionable view of the question than the first, but, nevertheless, still puts a construction on Schedule E certain to produce an injurious effect on street architecture, and which, moreover, we venture to think it was not intended to bear.

The modification of their first opinion must be regarded as an admission that they saw the mischief that would be caused by the rule, if carried out as was at first thought necessary; for in truth, the ground for the modification is absolutely *nil*. If Schedule F declares that no decorative projections,—window dressings, cornices, or shop-fronts,—from the wall of a house erected since the new Act came into operation, shall be permitted to overhang a public way, it also unquestionably extends to buildings erected *before* that event upon their being rebuilt. We will not, however, find fault with this; but we call upon the referees to go still farther, and revoke their first instructions altogether, although they may feel able to prove them correct.

We have attentively considered the whole of the schedule again and again, and are more perfectly than ever satisfied, that the constructors of the Act never intended that the owner of a house abutting on the public way should give up a portion of his ground (without any advantage to the public, too), or forego all attempt at architectural decoration. There is an evident distinction made between decorative projections and those which form essential parts of a building, as was pointed out in the able letter on the subject, by T. L., in our last volume;* notwithstanding this distinction is not recognized in the clause which sets forth, that no projections shall overhang the ground of another owner.

"Though we are accustomed to strange anomalies in Acts of Parliament," says T. L., "yet in this case one can scarcely suppose that the legislature had enacted that a thing might be legally done by one clause, and that it could not be done by almost a successive clause. There would surely have been some exception or proviso made in the first, to meet the contingency in the second; but there is, however, none. The Act expressly enacts that cornices may project beyond the line of houses, a case that occurs most frequently in the city, but the official referees say no; the subsequent clause nullifies the first.

It appears to me that there is an ambiguity in the word projections, which I submit is used in three different senses in the three clauses; in the *first*, it is applied to architectural decorations, which are allowed; in the *second*, to projections which do not form a portion of the building, such as balconies, verandahs, &c., and which are also allowed, with a proviso; and in the *third*, to projections which do form essential parts in a building, such as projections on plan (a wing and centre for instance), or projections in elevation, such as bay windows or corbelled rooms. These are prohibited unless the house is set back."

In respect of shop-fronts, an amount of projection is stipulated for, to be the same "*whether there be an area or not*,"—in other words, as we take it, whether it be over the owner's own ground or *not*.

If the rule be insisted on even in respect of new buildings, the result will be the entire abandonment of all architectural decoration. If houses set back to admit of window dressings or cornice would of course lose, in appearance of extent, the thickness of the two half party-walls,—a sufficient reason of itself to prevent the majority of owners from adopting that course.

We have stated our opinion that the referees are not bound to insist on this rule. Let that opinion go for what it may be worth. But if the referees still think otherwise, we trust they will forthwith endeavour to obtain such a modification of the Act in this respect, as may be considered necessary.

COMPETITION.—Designs have been called for, by advertisement, for a tower of medieval character, to be erected near St. Peter's Port, Guernsey.—A premium will be given for the approved design.

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* Vol. IV., p. 617.

* See Vol. IV., p. 554.